

No. 9/5/884-6Lab/338.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s The Executive Engineer, S. Y. L. Division No. VII, Kurukshetra (Haryana).

IN THE COURT OF SHRI V.P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA,  
AT AMBALA CITY (HARYANA)  
(Old Reference No. 96 of 1982)  
Reference No. 196 of 1984

SHRI RAM KUMAR, WORKMAN AND THE MANAGEMENT OF THE EXECUTIVE ENGINEER,  
S. Y. L. DIVISION NO. VII, KURUKSHETRA (HARYANA)

Present—

Nemo, for the applicant.

Shri A. K. Malhotra, S.D.E., for the respondent.

#### AWARD

The Hon'ble Governor of Haryana in exercise of the powers conferred,—vide clause (d) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to the Presiding Officer, Labour Court, Faridabad, between Shri Ram Kumar, workman and the management of the Executive Engineer, S.Y.L. Division No. VII, Kurukshetra. The terms of the reference are as under :—

“Whether the termination of services of Shri Ram Kumar, workman, was justified and in order ?  
If not, to what relief is he entitled to?”

Brief facts as alleged by the parties to dispute are as under.

Applicant alleged that he got employment with the respondent on 14th August, 1977 and served up to 30th June, 1981, thereafter his services were terminated without any cause and reason.

Respondent contested the dispute and contended that Irrigation Department is not an industry nor applicant is a workman. Applicant remained in the services of the respondent. He remained absent and was granted leave without pay as detailed in Para No. 1 of reply on merits, when the work of the project was completed, services of the applicant were found surplus, so after giving due notice of one month which was served upon the applicant and his services were terminated.

This reference was received by transfer from the Presiding Officer, Labour Court, Faridabad. Notices were issued to the parties. Applicant in spite of service did not appear to contest his claim, while on the other side respondent was represented by Shri A. K. Malhotra, SDE. So this reference is dismissed in default and matter in question is disposed of accordingly.

Dated the 4th January, 1985.

V. P. CHAUDHARY,  
Presiding Officer,  
Labour Court, Ambala.

Endst. No. 26, dated the 11th November, 1985.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,  
Presiding Officer,  
Labour Court, Ambala.

No. 9/5/884-6Lab/339.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s The Executive Engineer, S. Y. L. Division No. 7, Kurukshetra (Haryana).

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,  
AMBALA, AT AMBALA CITY (HARYANA)

Reference No. 212 of 1984

(Old No. 236 of 1982)

SHRI DEVI DAYAL, WORKMAN AND THE RESPONDENT-MANAGEMENT OF  
THE EXECUTIVE ENGINEER, S. Y. L. DIVISION NO. 7, KURUKSHETRA (HARYANA)

Present—

None for the applicant

Shri A. K. Malhotra, S. D. E., for the respondent.

**AWARD**

The Hon'ble Governor of Haryana in exercise of the powers conferred,—vide clause (d) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to the Presiding Officer, Labour Court, Faridabad, between Shri Devi Dayal workman and the management of the Executive Engineer, S. Y. L. Division No. 7, Kurukshetra (Haryana). The terms of the reference was :—

“Whether the termination of services of Shri Devi Dayal, workman was justified and in order? If not, to what relief is he entitled to?”

Briefly narrated the facts of the controversy between the parties are that Shri Devi Dayal was employed as Mason by the respondent on 1st February, 1981. He remained in service of respondent up to 1st March, 1982, thereafter as per allegations of applicant workman his services were terminated illegally.

Respondent contended that Irrigation Department (S. Y. L.) does not come in the definition of I. D. Act, 1947. Workman was employed on temporary basis. He was paid for the period for which he worked when the work of the project was completed, services of workman were discontinued.

This case was received by transfer from the court of the Presiding Officer, Labour Court, Faridabad. Both the parties were issued registered notices. Applicant in spite of service remained absent. Shri A. K. Malhotra, S. D. E., appeared for the respondent. In the absence of workman and his legal representative the reference is dismissed in default. The matter is disposed of accordingly.

Dated the 4th January, 1985.

V. P. CHAUDHARY,

Presiding Officer,  
Labour Court, Ambala City.

Endorsement No. 27, dated Ambala City, 11th January, 1985.

Forwarded (four copies) to the Financial Commissioner & Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act 1947.

V. P. CHAUDHARY,

Presiding Officer,  
Labour Court, Ambala City.

No. 9/5/884-6Lab/340.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s National Dairy Research Institute, Karnal.

**BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD**

**Reference No. 385/1982**

*between*

**SHRI DHARAM PAL, WORKMAN AND THE MANAGEMENT OF M/S NATIONAL DAIRY RESEARCH INSTITUTE, KARNAL**

*Present—*

Shri Dharam Pal, workman, in person.

Shri Raj Kumar, for the management.

**AWARD**

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Dharam Pal,

workman and the management of M/s National Dairy Research Institute, Karnal, to this Tribunal, for adjudication :—

Whether the termination of service of Shri Dharam Pal was justified and in order ? If not, to what relief is he entitled ?

2. Notices were issued to both the parties. The demand notice dated 16th December, 1982, was treated as claim statement, in which it was alleged that the claimant was employed by the respondent in the month of April, 1976, as Attendant in Farm Section of National Dairy Research Institute, Karnal and rendered meritorious service. It was then alleged that the services of the claimant were terminated by the respondent on 13th October, 1981, without giving any show-cause notice or serving any charge-sheet which was against the rules of natural justice and as such the claimant was entitled to reinstatement with full back wages.

3. The respondent, in their written statement, dated 22nd January, 1983, pleaded that the respondent institute was not an industry as defined in the Industrial Disputes Act, 1947, nor the claimant was a workman. It was further pleaded that the services of the claimant were terminated on account of misbehaviour etc., the details of which were given in the written statement.

4. The claimant in his rejoinder, dated 22nd March, 1983, reiterated the pleas taken in the demand notice (Claim statement).

5. A preliminary objection has been raised by the respondent to the effect that respondent is a research station of the Indian Council of Agricultural Research, Krishi Bhavan, New Delhi, which is under the control of the Ministry of Agriculture, Government of India and the respondent institute functions under the authority of the Central Government and that the appropriate Government competent to deal with any industrial dispute is only the Central Government and as such the reference made by the Haryana Government is bad in law. It has been argued that Indian Council of Agricultural Research is an autonomous body and was financed by the Government of India. In para No. 6 of the appointment letter, it is mentioned that the appointment may be terminated without assigning any reason by one month notice on either side under Rule 5 of the Central Civil Service (Temporary Service) Employees Rules, 1965, as applicable *mutatis mutandis* to the employees of the Council. Rule 2-A of the rules of Indian Council of Agricultural Research lays down that the expression "Society" means the Indian Council of Agricultural Research, a Society registered under the Societies Registration Act, 1850. Reliance has been placed on the award dated 29th October, 1982, passed by the Presiding Officer, Labour Court, Maduri, in which it was held that the Central Tobacco Research Institute, Research Station Vedaasandur, was being run under the authority of the Government of India and that the appropriate Government would be the Central Government to make any reference under the Industrial Disputes Act, 1947. It may be mentioned that according to the latest amendment in the Industrial Disputes Act, 1947, which came into force on 21st August, 1981, the scientific research or training institutes have been excluded from the scope of the expression 'Industry' as defined in section 2-A of the Industrial Disputes Act, 1947. The present dispute between the parties, however, arose prior to the coming into force of this amendment inasmuch as reference was made in the year 1982. Therefore, the preliminary objection raised by the respondent prevails and it is held that the reference made by the Haryana Government is not proper and as such this Tribunal has no jurisdiction to decide the present reference. The award is passed accordingly.

Dated the 9th January, 1985.

R. N. BATRA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Endst. No. 51, dated the 10th January, 1985

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.